

LEGISLATIVE BILL 585

Approved by the Governor May 17, 2011

Introduced by Business and Labor Committee: Lathrop, 12, Chairperson; Cook, 13; Harr, 8; Smith, 14; Wallman, 30.

FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize agencies to write off certain claims as prescribed; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. The following sums of money, or so much thereof as may be required, are hereby appropriated from the General Fund or from other funds as indicated in the state treasury, not otherwise appropriated, for the payment of claims arising out of miscellaneous items of indebtedness owing by the State of Nebraska.

\$86,026.47 for Miscellaneous Claim Number 2011-11047, against the State of Nebraska, pay to Nebraska Press Advertising Service, 845 "S" Street, Lincoln, NE 68508, out of the General Fund.

\$136,227.96 for Miscellaneous Claim Number 2011-11127, against Governor Dave Heineman, pay to Planned Parenthood Federation of America, 434 West 33rd Street, New York, NY 10001, out of the General Fund.

The claims included in this section shall be paid through Program 536 in Agency 65.

For informational purposes only, the appropriations contained in this section and fund source:

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
<u>GENERAL FUND</u>	<u>\$222,254.43</u>
<u>CASH FUND</u>	<u>\$-0-</u>
<u>REVOLVING FUND</u>	<u>\$-0-</u>
 <u>TOTAL</u>	 <u>\$222,254.43</u>

Sec. 2. The following sums of money, or so much thereof as may be required, are hereby appropriated from the General Fund or from other funds as indicated in the state treasury, not otherwise appropriated, for the payment of tort claims which have been settled by the State Claims Board and approved by the district court, which have been settled by the Attorney General in the district court, or in which court judgments have been entered and which require the approval of the Legislature for payment.

\$190,000.00 for Tort Claim Number 2008-02654, against the Department of Health and Human Services, pay to Michael Ellsworth, 9710 Kensington Circle, Bellevue, NE 68123, Trustee for the Debra Lee Bauer Trust dated January 8, 2011, out of the General Fund.

\$50,000.00 for Tort Claim Number 2009-03186, against the Department of Health and Human Services, pay to Carolynne La Frenz, guardian and conservator for Mariah La Frenz, P.O. Box 460, Grand Island, NE 68802, out of the General Fund.

\$99,666.37 for Tort Claim Number 2009-03422, against the Department of Roads, pay to Rachel Tipton, c/o Friedman Law Offices, 3800 Normal Boulevard, #200, P.O. Box 82009, Lincoln, NE 68501, out of the Roads Operations Cash Fund.

\$475,000.00 for Tort Claim Number 2010-04095, against the State of Nebraska, pay to Carroll T. White, personal representative of the estate of Joseph White, 1141 H Street, P.O. Box 83104, Lincoln, NE 68508, out of the General Fund.

\$325,000.00 for Tort Claim Number 2010-04096, against the State of Nebraska, pay to Kathleen Gonzalez, 1141 H Street, P.O. Box 83104, Lincoln, NE 68508, out of the General Fund.

\$180,000.00 for Tort Claim Number 2010-04097, against the State of Nebraska, pay to Thomas Winslow, 1141 H Street, P.O. Box 83104, Lincoln, NE 68508, out of the General Fund.

\$260,000.00 for Tort Claim Number TC04-049-1, against the Department of Health and Human Services, pay to Steve Zastera, Administrator of the

Lucille Kilgore Estate, 222 South 15th Street, Suite 220 South Tower, Omaha, NE 68102, out of the General Fund.

The claims included in this section shall be paid through Program 591 in Agency 65.

For informational purposes only, the appropriations contained in this section and fund source:

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
<u>GENERAL FUND</u>	<u>\$1,480,000.00</u>
<u>CASH FUND</u>	<u>\$99,666.37</u>
<u>REVOLVING FUND</u>	<u>\$-0-</u>
 <u>TOTAL</u>	 <u>\$1,579,666.37</u>

Sec. 3. The following sums of money, or so much thereof as may be required, are hereby appropriated from the General Fund or from other funds as indicated in the state treasury, not otherwise appropriated, for the payment of workers' compensation claims which have been settled by the Attorney General in the Nebraska Workers' Compensation Court or in which court judgments have been entered and which require the approval of the Legislature for payment.

\$157,286.77 for a Workers' Compensation Claim, pay to Phillip R. Licking and Tony Brock, attorney, 5625 O Street, Lincoln, NE 68510, out of the Workers' Compensation Claims Revolving Fund.

\$175,000.00 for a Workers' Compensation Claim, pay to Patrick Teitge, c/o Harris Kuhn Law Firm, 1005 South 107th Avenue, Suite 100, Omaha, NE 68114, out of the Workers' Compensation Claims Revolving Fund.

\$50,000.00 for a Workers' Compensation Claim, pay to Patricia Whitt and David Uher, attorney, P.O. Box 851, Norfolk, NE 68701, out of the Workers' Compensation Claims Revolving Fund.

The claims included in this section shall be paid through Program 593 in Agency 65.

For informational purposes only, the appropriations contained in this section and fund source:

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
<u>GENERAL FUND</u>	<u>\$-0-</u>
<u>CASH FUND</u>	<u>\$-0-</u>
<u>REVOLVING FUND</u>	<u>\$382,286.77</u>
 <u>TOTAL</u>	 <u>\$382,286.77</u>

Sec. 4. The following sums of money, or so much thereof as may be required, are hereby appropriated from the General Fund or from other funds as indicated in the state treasury, not otherwise appropriated, for the payment of tort claims which have been settled by the State Claims Board and approved by the district court, which have been settled by the Attorney General in the district court, or in which court judgments have been entered and which require the approval of the Legislature for payment.

\$300,000 for Tort Claim Number 2008-02942, against the Department of Administrative Services, pay to Sue Kirkland, Clerk of the Lancaster County District Court, 575 South 10th Street, Lincoln, NE 68508, for satisfaction of judgment in Case No. Cl 09-1927, Swearingian v. Jackson, et al., out of the State Insurance Fund.

\$35,000 for Tort Claim Number 2010-04887, against the Department of Health and Human Services, pay to Christian Kingery, 2621 South 79th Street, Lincoln, NE 68506, out of the State Insurance Fund.

\$300,000 for Tort Claim Number 2011-10823, against the Board of Trustees of the Nebraska State Colleges, pay to Maxwell Baker, 6596 Point Pleasant Road, Elk Grove, CA 95757, and Jones & Baker Qualified Settlement Fund, 100 Spear Street, Suite 1430, San Francisco, CA 94105, out of the State Insurance Fund.

\$300,000 for Tort Claim Number 2011-10824, against the Board of Trustees of the Nebraska State Colleges, pay to William Jones, 6052 Highway 20, Chadron, NE 69337, and Jones & Baker Qualified Settlement Fund, 100 Spear Street, Suite 1430, San Francisco, CA 94105, out of the State Insurance Fund.

The claims included in this section shall be paid through Program 594 in Agency 65.

For informational purposes only, the appropriations contained in this section and fund source:

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
<u>GENERAL FUND</u>	<u>\$-0-</u>
<u>CASH FUND</u>	<u>\$-0-</u>
<u>REVOLVING FUND</u>	<u>\$935,000.00</u>
<u>TOTAL</u>	<u>\$935,000.00</u>

Sec. 5. The Director of Administrative Services is hereby authorized and directed to draw his or her warrants upon the funds in the state treasury enumerated in this act, in favor of the several beneficiaries named in this act for the amount set opposite their respective names upon the presentation of proper vouchers therefor. The several amounts appropriated in this act shall be in full payment of any and all claims, rights, causes of action, damages, and demands of every character and kind owing by or against the State of Nebraska, its officers, agents, and employees, and their successors and assigns with respect to each of the beneficiaries respectively in whose favor the appropriations are made. The director shall not deliver any warrant for any items appropriated in this act until a receipt and release in full, releasing the State of Nebraska, its officers, employees, and agents, and their successors and assigns, has been filed by each of the beneficiaries respectively. Upon presentation of the warrants, the State Treasurer is hereby directed to pay the same out of money in the General Fund or out of money in other funds indicated in this act not otherwise appropriated.

Sec. 6. The following requests were filed by state agencies seeking permission to write off certain accounts. The State Claims Board reviewed and approved the following requests:

- \$115.36 for Request Number 2010-04378, made by the Supreme Court.
- \$1,597.00 for Request Number 2011-10655, made by the Nebraska Workers' Compensation Court.
- \$175,035.79 for Request Number 2011-10656, made by the Department of Roads.
- \$750.00 for Request Number 2011-10659, made by the State Fire Marshal.
- \$41,380.14 for Request Number 2011-10661, made by the State Energy Office.
- \$1,872.00 for Request Number 2011-10662, made by the Department of Insurance.
- \$1,608.00 for Request Number 2011-10664, made by the Department of Insurance.
- \$33,755.00 for Request Number 2011-10665, made by the Department of Insurance.
- \$3,104.00 for Request Number 2011-10666, made by the Department of Insurance.
- \$44.00 for Request Number 2011-10667, made by the Department of Insurance.
- \$680,325.58 for Request Number 2011-10686, made by the Department of Health and Human Services.
- \$74,461.26 for Request Number 2011-10707, made by the Game and Parks Commission.
- \$4,171.00 for Request Number 2011-10708, made by the Military Department.
- \$179.89 for Request Number 2011-10825, made by the Supreme Court.

Sec. 7. Since an emergency exists, this act takes effect when passed and approved according to law.